# BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

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Katie Hobbs Governor



Jack Confer Executive Director

# **Board Meeting Minutes**

The regular meeting of the NCIA Board convened at 9am, Monday, Sep 9, 2024 in Boardroom C, at 1740 W. Adams Street, Phoenix, Arizona, with Becky Brimhall, President, presiding.

#### **BOARD MEMBERS PRESENT:**

Becky Brimhall, President Ken Kidder, Vice-President Susan Archer, Member Kerri Felix, Member Rebecca Hill, Member Jeffrey Cook, Member

#### **BOARD MEMBERS PRESENT TELEPHONICALLY:**

Pauline (Wally) Campbell, Member

#### **BOARD MEMBERS ABSENT:**

James (Ritch) Steven, Member Nathan Koford, Member

#### **LEGAL COUNSEL:**

Seamus Monaghan, Assistant Attorney General Dena Benjamin, Assistant Attorney General

#### **STAFF PRESENT:**

Jack Confer, Executive Director Donita McGlasson, Deputy Director Phil Smyth, Investigator Stacy Rodriguez, Project Specialist Brian Thomas, Project Specialist Paige Horton, Licensing Specialist The meeting was called to order at 9:00am, Monday, Sep 9, 2024.

President Brimhall welcomed members of the audience, explained the procedure for addressing the Board, and stated the mission of the Board.

#### I. ROLL CALL

The following Board members were present: President Brimhall, Member Archer, Member Felix, Member Cook, Member Hill, and Member Campbell

#### II. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

No Board Member declared conflicts of interest

#### III. <u>DECLARATION OF RECUSAL(S)</u>

President Brimhall recused from 2024-NCI-0223.

Vice President Kidder • recused from 2024-NCI-0171.

# IV. <u>REVIEW, DISCUSSION AND POSSIBLE ACTION ON FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS, INFORMAL SETTLEMENT CONFERENCES OR MOTIONS TO DEEM ALLEGATIONS ADMITTED:</u>

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).am

#### A. Formal Hearing Alona Turalba 2024-NCI-0017

Alona Turalba was not present and was provided notice of the meeting. Assistant Attorney General Monaghan, representing the State, outlined the case to the Board. Witness Investigator Smyth was sworn in.

The State gave an opening statement. Investigator Smyth answered several questions from the State and gave details to the matter.

State Exhibits 1-4 were admitted.

State gave a closing statement.

After a brief discussion, the Board voted on this matter.:

Member Archer • motioned, Member Felix • seconded, to adopt all Parties and Jurisdiction and Factual Allegations in the Complaint as Findings of Fact.

VOTE	2	Brimhall President	Kidder Vice President	<u>Archer</u> Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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Member Archer • motioned, Member Cook • seconded, to adopt all of the Alleged Violations set forth in the Complaint as the Board's Conclusions of Law.

ROLL CALL V	OTE (	(6-0)
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<u>VOTE</u>	<u>Brimhall</u> President	<u>Kidder</u> Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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Member Archer • motioned, Member Cook • seconded, for revocation of manager certificate for Alona Turalba.

# **ROLL CALL VOTE (6-0)**

VOTE	i	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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# **ROLL CALL**

VOTE	 Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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# B. Formal Hearing Mariana Balan 2023-NCI-0540

Mariana Balan was not present and was provided notice of the meeting. Assistant Attorney General Monaghan, representing the State, outlined the case to the Board.

Witness Investigator Smyth was sworn in.

The State gave an opening statement.

State Exhibits 1-4 were admitted.

Investigator Smyth answered several questions from the State and gave details to the matter.

State gave a closing statement.

After a brief discussion, the Board voted on this matter.:

Member Archer • motioned, Member Cook • seconded, to adopt all Parties and Jurisdiction and Factual Allegations in the Complaint as Findings of Fact.

# **ROLL CALL VOTE (7-0)**

VOTE	4	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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Member Archer • motioned, Member Felix • seconded, to adopt all of the Alleged Violations set forth in the Complaint as the Board's Conclusions of Law.

#### **ROLL CALL VOTE (7-0)**

<u>VOTE</u>	4	<u>Brimhall</u> President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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Vice President Kidder • motioned, Member Archer • seconded, for revocation for manager certificate Mariana Balan.

VOTE	2	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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C.	Bob Ongaro was present and was represented by counsel Denise Attwood. Counsel Attwood gave details to														
	the Board and presented a proposed Consent Agreement.														
Во	Bob Ongaro answered several questions from the Board and gave details to the matter.														
Af	After a brief discussion, the Board voted on this matter.:														
	Vice President Kidder • motioned, Member Archer • seconded, to accept to modify the Consent Agreement with not issuing certificate until evaluation is done.														
ROLL CA	ROLL CALL VOTE (6-1)														
VOTE	4	<u>Brimhall</u> President	Kidder Vice President	<u>Archer</u> Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member					
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COM C. reco	SEN IPLA mme	T AGE AINT CA Staff Rec	NDA I	VIEWS  lation for I suance of a	Dismissal(s).	Action m	nay inclu	de rejecti Disciplin	on of the	;					
Member Campbell • motioned, Member Cook • seconded, to accept the Staff recommendation for Dismissal for complaint 2024-NCI-0171.  ROLL CALL VOTE (6-0)															
VOTE	_ <del></del>	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	Steven Member	<u>Felix</u> Member	<u>Cook</u> Member	Koford Member	<u>Hill</u> Member					
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1.	Valentina Marcus	2023-NCI-0721
2.	Chad Szymanski	2024-NCI-0096
3.	Arthur L Martin	2024-NCI-0139
4.	Irene Hajdu	2024-NCI-0141
5.	Alisha Jessie	2024-NCI-0150
6.	Richard Young	2024-NCI-0163
7.	Richard Young	2024-NCI-0164
8.	Joey Bradley	2024-NCI-0166
9.	Ryan Fair	2024-NCI-0167
10.	Lea Garcia	2024-NCI-0169
12.	Jerrod Ayers	2024-NCI-0182
	Terry Speth	2024-NCI-0184
15.	Diana Iacobucci	2024-NCI-0188
16.	Deborah Ludington	2024-NCI-0192
17.	No Manager	2024-NCI-0195
18.	Yolanda Tucker	2024-NCI-0197
19.	No Manager	2024-NCI-0198
20.	Mihaila Ene-Neagu	2024-NCI-0199
21.	Nathan Sakuta	2024-NCI-0204
22.	Yereth Peppers	2024-NCI-0205
	Terence Pringle	2024-NCI-0207
	Theresa Linnane	2024-NCI-0208
25.	No Manager	2024-NCI-0211
27.	Debra Blaney	2024-NCI-0217
29.	Janessa Becker	2024-NCI-0221
31.	Celestine Asota	2024-NCI-0225
32.	Delia Galeancu	2024-NCI-0229

Vice President Kidder • motioned, Member Archer • seconded, to accept the Staff recommendation for Dismissal on agenda items: 1-10, 12-13, 15-25, 27-29, and 31-32.

VOTE		Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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A. Staff Recommendation for Disciplinary Consent Agreement(s). Action may also include Summary Suspension of the license or certificate, the Issuance of a Letter of Concern, or Dismissal, in any of the following cases:

#### 9. Jonathan Bautista

#### 2024-NCI-0223

Jonathan Bautista was not present. Investigator Phil Smyth outlined the case to the Board.

After a brief discussion, the Board voted on this matter.:

Vice President Kidder • motioned, Member Felix • seconded, to postpone the complaint to subpoena Manager for attendance to the meeting.

#### **ROLL CALL VOTE (6-0)**

VOTE	<u>;</u>	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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# VI. CALL TO THE PUBLIC

Persons who want to address the Board do not need to request permission in advance, but they do need to complete a "Request to Speak to the Board" form so that the Board is aware that they are here and that they want to speak to the Board. Each person who wants to address the Board will be given five (5) minutes to do so. However, the Board may limit the number of persons speaking on each issue to a reasonable number of persons. Pursuant to A.R.S. § 38-431.02(H), the Board can discuss or take action only on matters that are listed on the Agenda. Board action on issues that are not listed on the Agenda is limited to directing staff to study the matter or to schedule the matter for further discussion at a future Board Meeting.

#### VII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice). Board Review, Consideration and Action on Approval of Minutes

- A. Draft August 12, 2024 Regular Board Meeting Minutes
- B. Draft August 12, 2024 Executive Session Minutes

Vice President Kidder • motioned, Member Archer • seconded, for approval of Draft August 12, 2024 Regular Board Meeting Minutes and Draft August 12, 2024 Executive Session Minutes.

#### **VOICE ROLL CALL VOTE (7-0)**

# VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATOR LICENSURE AND MANAGER CERTIFICATION

Individual Board Review, Consideration and Action on Applicants Temporary and/or Permanent Administrator License or Manager Certificate. If approved, pending passing all required examinations within the substantive timeframe or the license or certificate will be denied.

A. Mary Ann Santos

Manager Application

2024-NCI-0368

Mary Ann Santos was present. Investigator Smyth outlined the case to the Board. Mary Ann Santos answered several questions from the Board and gave details to the matter.

After a brief discussion, the Board voted on this matter.:

Vice President Kidder • motioned, Member Archer • seconded, for approval of application for Mary Ann Santos.

#### **ROLL CALL VOTE (7-0)**

VOTE	<u>;</u>	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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# VIII. <u>CONSENT AGENDA ITEMS: REVIEW, DISCUSSION AND POSSIBLE ACTION ON</u> <u>COMPLAINT CASE REVIEWS</u>

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice). The name of a Resident is confidential information. In public session, the Board members, staff, and the licensee should refer to the Residents as "Resident" or use the Resident's initials. The Board may block vote as desired.

Consent agenda items may be considered as a single action or block vote. The Board may remove an item from the consent agenda for discussion.

For items in agenda section (A)(i) the Board may review, discuss and take possible action on the below listed matter(s) and on previously offered proposed consent agreements. Action may include, but is not limited to, acceptance, rejection, or modification and reoffering of the previously offered consent agreement. Action may also include the request to appear at a future meeting. Items in section (A)(i) may also be considered as a single action or block vote.

A. Staff Recommendation for Disciplinary Consent Agreement(s). Action may also include NCIA Sep 9, 2024 Board Minutes 8 of

Summary Suspension of the license or certificate, the Issuance of a Letter of Concern, or Dismissal, in any of the following cases:

#### 2. Erica Avlessi

#### 2024-NCI-0186

Erica Avlessi was present and represented herself. Investigator Smyth outlined the case to the Board.

#### 8. Erica Avlessi

#### 2024-NCI-0220

Erica Avlessi was present and represented herself. Investigator Smyth outlined the case to the Board. Erica Avlessi answered several questions from the Board and gave details to the matter.

After a brief discussion, the Board voted on this matter.:

Vice President Kidder • made a motion, was seconded by President Brimhall • , to offer a Consent Agreement for cases 2024-NCI-0186 and 2024-NCI-0220 to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but the Suspension as long as the terms of Probation are met; reimburse the Board \$601.33 for investigative costs; required to complete a 40-hour manager training program with the Executive Directors pre-approval required and document completion; Successfully pass the state examination for managers administered by the Board.

**ROLL CALL VOTE (7-0)** 

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VOTE	<u> </u>	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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#### 3. Lori Higuera

#### 2024-NCI-0189

Lori Higuera was present and was represented by legal counsel Denise Attwood. Investigator Smyth outlined the case to the Board. Lori Higuera answered several questions from the Board and gave details to the matter.

After a brief discussion, the Board voted on this matter.:

Vice President Kidder • motioned, Member Archer • seconded, to issue a Letter of Concern for failure to provide proof of acceptance or denial of pneumonia vaccination for residents.

VOTE	2	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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### 4. Marvin Cape

#### 2024-NCI-0191

Marvin Cape was present and was accompanied by Ronald Calaguas. Investigator Smyth outlined the case to the Board. Marvin Cape answered several questions from the Board and gave details to the matter.

After a brief discussion, the Board voted on this matter.:

Vice President Kidder • made a motion, was seconded by Member Archer •, to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but the Suspension as long as the terms of Probation are met; reimburse the Board \$569.70 for investigative costs; required to complete a 40 hour manager training program with the Executive Directors pre-approval required and document completion; Successfully pass the state examination for managers administered by the Board.

**ROLL CALL VOTE (7-0)** 

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VOTE	Brimhall President	<u>Kidder</u> Vice President	Archer Member	<u>Campbell</u> Member	Steven Member	<u>Felix</u> Member	<u>Cook</u> Member	Koford Member	<u>Hill</u> Member
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#### BREAK 11:23 AM - 11:36 AM

#### 10. Janea Wareing

#### 2024-NCI-0224

Janea Wareing was present and represented herself. Investigator Smyth outlined the case to the Board. Janea answered several questions from the Board and gave details to the matter.

After a brief discussion, the Board voted on this matter.:

Vice President Kidder • motioned, Member Archer • seconded, to issue a Letter of Concern. The Board's concern is that the manager failed to notify all relevant parties for an incident. Must provide documentation before a letter can be issued.

VOTE Brimhall President	Kidder Vice Archer President Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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 1. Earl Bakken
 2024-NCI-0081

 5. Michele Ortiz
 2024-NCI-0201

 6. Lydia Castaneda
 2024-NCI-0203

 7. Irineo Ambrocio JR
 2024-NCI-0218

 11. Maryann Maushardt
 2024-NCI-0226

#### **BLOCK VOTE**

Vice President Kidder • motioned, Member Campbell • seconded, to accept the staff recommendation for agenda items: 1, 5-7, and 11.

**ROLL CALL VOTE (7-0)** 

VOTE	1	Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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# Consent Agreement signed prior to meeting

 12. Terry Speth
 2024-NCI-0170

 13. Angela Covell
 2024-NCI-0183

 14. Juan Martinez
 2024-NCI-0187

 15. Mary Mizer
 2024-NCI-0196

 16. Sara Bosancu
 2024-NCI-0200

Vice President Kidder • motioned, Member Archer • seconded, to accept the Consent Agreements signed prior to meeting for agenda items: 12-16.

<u>VOTE</u>	Brimhall President	<u>Kidder</u> Vice President	Archer Member	<u>Campbell</u> Member	Steven Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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B. Staff Recommendation for Non-Disciplinary Letter of Concern(s). Action may include rejection of the recommendation and the Offer of a Disciplinary Consent Agreement, in any of the following cases:

1.	Madge Ball-Cole	2024-NCI-0151
2.	Stephanie D Laemmel	2024-NCI-0165
3.	James Verdieu	2024-NCI-0190
4.	Antoaneta Papuc	2024-NCI-0193
5.	Teodor Cristea	2024-NCI-0194
6.	Robert Larson	2024-NCI-0206
7.	Silvia Tudose	2024-NCI-0209
8.	Haralambos Babaletskos	2024-NCI-0227
9.	Norma Chacon	2024-NCI-0125

Vice President Kidder • motioned, Member Archer • seconded, to accept the Staff recommendation to issue a Non-Disciplinary Letter of Concern for agenda items: 1-9.

# **ROLL CALL VOTE (7-0)**

VOTE		Brimhall President	<u>Kidder</u> Vice President	Archer Member	<u>Campbell</u> Member	Steven Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	Hill Member
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C. Staff Recommendation for Dismissal(s). Action may include rejection of the recommendation and the Issuance of a Letter Concern or Offer of a Disciplinary Consent Agreement, in any of the following cases:

#### 28. Maureen Bristow

### 2024-NCI-0219

Maureen Bristow was present and was accompanied by facility owner, Bruno. Investigator Smyth outlined the case to the Board. Maureen answered several questions from the Board and gave details to the matter.

After a brief discussion, the Board voted on this matter.:

President Brimhall • motioned, Member Archer • seconded, to accept the staff recommendation to dismiss complaint 2024-NCI-0219.

**ROLL CALL VOTE (7-0)** 

<u>VOTE</u>		<u>Brimhall</u> President	Kidder Vice President	<u>Archer</u> Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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#### 14. Kelci Franks

#### 2024-NCI-0185

Kelci Franks was not present and was provided notice of the meeting. Investigator Smyth outlined the case to the Board.

After a brief discussion, the Board voted on this matter.:

Member Hill • motioned, Member Archer • seconded, to issue a Non-Disciplinary Letter of Concern. The Board's concern is the manager failed to ensure access to service plans and access to policy and procedures and other records.

**ROLL CALL VOTE (7-0)** 

<u>VOTE</u>		Brimhall President	Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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#### 26. Russell Sylvester

#### 2024-NCI-0212

Russell Sylvester was not present and was provided notice of the meeting. Investigator Smyth outlined the case to the Board.

After a brief discussion, the Board voted on this matter.:

Member Hill • motioned, Member Archer • seconded, to issue a Non-Disciplinary Letter of Concern. The Board's concern is the manager failed to ensure caregivers skills and knowledge were documented and verified.

<u>VOTE</u>	Brimhall President	<u>Kidder</u> Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
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#### **30. Fadie Tamer**

#### 2024-NCI-0222

Fadie Tamer was not present and was provided notice of the meeting. Investigator Smyth outlined the case to the Board.

After a brief discussion, the Board voted on this matter.:

Member Archer • motioned, Vice President Kidder • seconded, to accept the Staff recommendation to dismiss complaint 2024-NCI-0222.

**ROLL CALL VOTE (7-0)** 

<u>VOTE</u>		Brimhall President	<u>Kidder</u> Vice President	Archer Member	<u>Campbell</u> Member	Steven Member	<u>Felix</u> Member	<u>Cook</u> Member	Koford Member	<u>Hill</u> Member
YES		<b>✓</b>	K	<b>\</b>	Y		N	N		K
NO										
ABSTAIN										
RECUSED										
ABSENT						<			K	

#### IX. BOARD PRESIDENT'S REPORT

President Brimhall wanted to appoint a Vice chair to attend NAB.

# X. EXECUTIVE DIRECTOR REPORT

Board to review, discuss and possibly take action on the following items:

# XI. FUTURE ITEMS AND MEETING DATES

October 21, 2024, November 18, 2024, December 9, 2024.

#### XII. ADJOURNMENT

The meeting adjourned on Sep 9, 2024 12:45 PM.

**ROLL CALL VOTE (7-0)** 

TTOES CITES TOTAL			<u>·                                     </u>							
VOTE	<u>vote</u>		Kidder Vice President	Archer Member	<u>Campbell</u> Member	<u>Steven</u> Member	<u>Felix</u> Member	<u>Cook</u> Member	<u>Koford</u> Member	<u>Hill</u> Member
YES		N	N	>	Y		N	N		V
NO										
ABSTAIN										
RECUSED										
ABSENT						N			N	



Jack Confer, Executive Director